

REMARKS

Claims 19-20 and 23-24 have been canceled without prejudice or disclaimer. Claims 37-38 have been added. Claims 18 and 21-22 have been amended to clarify the scope of the claimed invention. Support for the amendment appears throughout the specification as filed, e.g., p. 2, lines 17-28 and former claim 20. Claim 26 has been amended to correct its dependency. Claim 27 has been amended to recite that the transformed host cell is "isolated." Support for this amendment appears throughout the specification as filed, e.g., Example 3. Claim 28 has been amended to renumber the method steps. Support for added claims 37-38 appears throughout the specification as filed, e.g., p. 2, line 17 to p. 3, line 4 and SEQ ID NO: 2.

The abstract of the disclosure has been provided on a separate sheet of paper.

It is respectfully submitted that the present amendment presents no new issues or new matter and places this case in condition for allowance. Reconsideration of the application in view of the above amendments and the following remarks is requested.

I. Election/Restriction

Applicants acknowledge that the Examiner has rendered final the prior restriction requirement.

II. Priority

Applicants acknowledge with appreciation the Examiner's acknowledgement of the claim for foreign priority.

III. Information Disclosure Statement

Applicants acknowledge with appreciation the Examiner's consideration of the information disclosure statement.

IV. Objection to the Abstract

The Examiner has objected to the Abstract as not being on a separate piece of paper. Applicants respectfully submit that the instant application was filed as a PCT national stage application pursuant to 35 USC 371, wherein the abstract was filed on a separate piece of paper at the time of filing the PCT application. Applicants therefore submit that the Abstract as filed is fully compliant with MPEP 608.01(b).

Nevertheless, to expedite prosecution, applicants re-submit herewith the Abstract on a separate sheet of paper.

V. Claim Objections

Claims 18-29 and 27 are objected to as reciting non-elected subject matter. The amended claims submitted herewith delete reference to non-elected subject matter, thus obviating the objection.

Claims 26-28 are objected to as reciting a vector comprising the polynucleotide of claim 18. The Examiner states that claim 18 is directed to an isolated polypeptide and not a polypeptide. Applicants have amended claim 26 to depend from claim 36, thus obviating the objection.

For the foregoing reasons, applicants respectfully request reconsideration and withdrawal of the objections.

VI. The Rejection of Claims 18-19, 23-29 and 367 under 35 U.S.C. 112 (Enablement)

Claims 18-19, 23-29 and 36 stand rejected under 35 U.S.C. 112, first paragraph as allegedly lacking enablement. This rejection is respectfully traversed.

In order to expedite prosecution and without acquiescing to the Examiner's contentions, applicants have amended the claims to clarify the scope of the claimed invention. Applicants have amended the claims to address the Examiner's concerns regarding the prior recitation of "a" DNA sequence and "a" sequence as shown in positions 1-439 or 1-566 of SEQ ID NO: 2, have amended the claims to recite at least 90% identity to the identified residues of SEQ ID NO: 2, i.e., the subject matter of former claim 20, and have deleted reference to the stringency conditions. Applicants have also canceled former claims 19-20 and 23-24, and respectfully submit that these amendments obviate the rejection.

The Examiner further alleges that claim 18 lacks enablement because there is no indication in the specification as to the public availability of DSM 16113. Applicants submit herewith a Statement Under 37 C.F.R. 1.808 as requested by the Examiner, thus obviating the rejection.

Claim 27 is also rejected as allegedly failing to comply with the enablement requirement for failing to recite that the transformed host cell is "isolated." Applicants have amended claim 27 as suggested by the Examiner, thereby obviating the rejection.

For the foregoing reasons, applicants submit that the amended claims overcome the enablement rejection under 35 U.S.C. 112. Applicants respectfully request reconsideration and withdrawal of the rejection.

VII. The Rejection of Claims 18, 25-29 and 26 under 35 U.S.C. 112 (Written Description)

Claims 18, 25-29 and 36 stand rejected under 35 U.S.C. 112, first paragraph as allegedly lacking written description. This rejection is respectfully traversed.

In order to expedite prosecution and without acquiescing to the Examiner's contentions, applicants have amended the claims to clarify the scope of the claimed invention. Applicants have amended the claims to address the Examiner's concerns regarding the prior recitation of "a" DNA sequence and "a" sequence as shown in positions 1-439 or 1-566 of SEQ ID NO: 2 and have amended the claims to recite at least 90% identity to the identified residues of SEQ ID NO: 2, i.e., the subject matter of former claim 20. As such, the amended claims clearly satisfy the "structure-function correlation" recited with regard to the members of the genus of polypeptides and the encoding polypeptides as outlined by the Examiner and as required by the written description requirement of 35 U.S.C. 112, first paragraph.

For the foregoing reasons, applicants submit that the amended claims overcome the written description rejection under 35 U.S.C. 112, first paragraph. Applicants respectfully request reconsideration and withdrawal of the rejection.

VIII. The Rejection of Claims 18, 26-29 and 36 under 35 U.S.C. 102

Claims 18, 26-29 and 36 stand rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Michelsen et al., WO 96/01323. This rejection is respectfully traversed.

As previously stated, applicants have amended the claims to clarify the scope of the claimed invention. Applicants respectfully submit that the anticipation rejections are thereby obviated.

For at least the foregoing reasons, applicants submit that the amended claims overcome this rejection under 35 U.S.C. 102(b). Applicants respectfully request reconsideration and withdrawal of the rejection.

IX. Conclusion

In view of the above, it is respectfully submitted that all claims are in condition for allowance. Early action to that end is respectfully requested. The Examiner is hereby invited to contact the undersigned by telephone if there are any questions concerning this amendment or application.

Should any additional fees be due, please charge deposit account no. 50-1701 of Novozymes North America Inc.

Respectfully submitted,

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